

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
MIDDLE DIVISION**

MAC EAST, LLC, )  
an Alabama Limited Liability )  
Corporation, )  
Plaintiff, )  
v. ) CIVIL ACTION NO.: 2:05-CV-1038(F)  
SHONEY'S, INC., )  
a Tennessee Corporation, )  
Defendant. )

**FIRST AMENDMENT TO ANSWER**

COMES NOW the Defendant, Shoney's, LLC ("Shoney's"), a Tennessee limited liability company, as successor-in-interest to Shoney's, Inc., and hereby amends its Answer by deleting its responses in Paragraphs 18 and 32 thereof in their entirety and substituting the following in lieu thereof, respectively:

"18. Shoney's admits that it requested a copy of the proposed sublease between MAC and City Café; Shoney's denies that MAC provided Shoney's with a copy of a proposed sublease on May 9, 2005, and Shoney's demands strict proof thereof; Shoney's admits that it did receive a purported sublease on May 23, 2005, but is without information or knowledge sufficient to admit or deny whether the terms of such purported sublease contained the terms of a proposed sublease between MAC and City Café, and it is therefore denied, and Shoney's demands strict proof thereof."

"32. Shoney's denies the allegations contained in Paragraph 32 of the Complaint and demands strict proof thereof."

Except as expressly modified by this First Amendment to Answer, all of the statements and defenses set forth in the Answer shall remain in full force and effect. Shoney's reserves the right to further amend its Answer to assert such other affirmative or supplemental defenses as may become available or apparent during the course of discovery in this matter.

s/ Paul O. Woodall, Jr.

Paul O. Woodall, Jr.

Middle District I.D. No. ASB-4297-O59P

James N. Nolan

Middle District I.D. No. ASB-6012-N61J

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 16, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notification of such filing to the following:

Dennis R. Bailey, Esq.  
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This the 16th day of March, 2006.

s/ Paul O. Woodall, Jr.  
OF COUNSEL